



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Order to Show Cause Re: Failure to File an Inventory and Appraisal; Failure to File a First Account; Proposed Sanctions in the Amount of \$500.00

Age: 89		MARGUERITE S. HUGHES , Niece, was appointed Conservator of the Person with medical consent and dementia medication and placement powers with bond of \$412,500.00 on 5-17-10. Bond was filed 8-12-10 and Letters issued on 9-15-10.	NEEDS/PROBLEMS/COMMENTS:
DOB: 9-26-22			
			Note: Please see Page 2 re: Attorney Watson's Declaration attached to the Account filed 5-18-12.
			Minute Order 5-1-12: No appearances. The Court removes Marguerite Hughes as the conservator and appoints the Public Guardian. The Court sets the matter for an Order to Show Cause on 6/26/12 regarding the failure to file an inventory and appraisal; failure to file a first account, and the proposed sanctions in the amount of \$500.00. The Court orders Marguerite Hughes and Dennis Watson to be present on 6/26/12. Continued to 6/26/12, 9:00 a.m., Dept. 303 Set on 6/26/12, 9:00 a.m., Dept. 303 for Order to Show Cause Re: Failure to File an Inventory and Appraisal; Failure to File a First Account; Proposed Sanctions in the Amount of \$500.00.
Aff.Sub.Wit.		On 10-6-10, notice t was filed showing that the Conservator had changed an existing account to reflect conservatorship (balance \$24,467.03).	
Verified		On 7-25-11, the Court set a status hearing for failure to file an Inventory and Appraisal and a First Account. The hearing was set for 9-6-11.	
Inventory		On 9-6-11, the Court continued the matter to 10-11-11 based on Attorney Watson's representation that he was closing to filing the documents.	
PTC		However, on 10-11-11, there were no appearances. The Court set an Order to Show Cause for 12-13-11 that was continued to 2-7-12, 3-20-12 and then 5-1-12, based on Attorney Watson's representation that the accounting was ready – he just had to insert the numbers.	
Not.Cred.		On 5-1-12, there were no appearances. The Court removed MARGUERITE S. HUGHES as Conservator and appointed PUBLIC GUARDIAN as Successor Conservator, and set this Order to Show Cause for 6-26-12 regarding the failure to file an Inventory and Appraisal and failure to file a first account, and proposed sanctions of \$500.00. The Court ordered Marguerite Hughes and Dennis Watson to be present on 6-26-12.	
Notice of Hrg		Letters issued to PUBLIC GUARDIAN on 5-17-12.	
Aff.Mail		<u>On 5-18-12, an Inventory and Appraisal and First Account were filed. See Page 3B.</u>	
Aff.Pub.		<u>Attached to the Account: Declaration of Attorney Re: Failure to Attend Last Hearing and Request that Petitioner be reinstated as Conservator with an Order Nunc Pro Tunc.</u>	
Sp.Ntc.		SEE PAGE 2	
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
✓ Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: skc	
		Reviewed on: 6-21-12	
		Updates:	
		Recommendation:	
		File 3B - Peters	

3A Lydia Peters (CONS/PE)

Case No. 10CEPR00167

Atty Watson, Dennis L. (for Marguerite S. Hughes – Niece – Former Conservator)

Atty Kruthers, Heather (for Public Guardian – Successor Conservator)

Order to Show Cause Re: Failure to File an Inventory and Appraisal; Failure to File a First Account; Proposed Sanctions in the Amount of \$500.00

Declaration of Attorney Re: Failure to Attend Last Hearing and Request that Petitioner be reinstated as Conservator with an Order Nunc Pro Tunc:

Attorney Watson apologizes to the court for his non-appearance at the last scheduled hearing which was an OSC. When he received the last continuance on court call he heard the judge's speech on the need for attorneys to try and not continue matters as this results in additional costs for the court administration. He noted that, but failed to calendar the continuance date. However, there are mitigating circumstances.

The timing of this conservatorship has come at a difficult time for both his client and himself. The conservator was diagnosed with stage 3 colon cancer, had surgery on 3-30-11, and went through chemo from May-December 2011.

At this point, she has regained her health and has been actively working with Attorney Watson to produce the accounting.

As for Attorney Watson, his wife was diagnosed with 7 brain tumors in mid-2011 and a metastasizing of a breast cancer from 2008. In July 2011 she was diagnosed with tumors in her brain, lungs, kidney and liver, and had surgery on one that would have been fatal within weeks. Six weeks later there was another tumor that had to be removed as it was causing pressure in her cranium. She passed away on 1-31-12.

Attorney Watson tried during this time to continue as a sole practitioner to make up for lost income as a result of his wife's declining health. After her death, he was hit with the fact that he was behind in many cases and expectations from other clients. His State Bar record is clear, and he realized that he had to step up efforts to keep it clear by working as hard as he could. In doing so, there have been times when his schedule was messed up, and his failure to appear was a result of stress, busyness, and frankly, carelessness. The failure to appear was at the worst time for him.

Attorney Watson states he understands that if the Court needs to sanction him as a process of showing seriousness about the matter of continuances and nonappearances he will accept the sanction, and will be paying any sanction that his client is assessed.

Marguerite Hughes is a wonderful Conservator. She has worked through sickness to get done what needed to be done. She is caring in dealing with her aunt and has experience in financial matters, and but for the life circumstances, there would have been no problem with getting the account done timely.

Attorney Watson asks that the Court revisit the previous order and to not relieve her as Conservator and to allow her to continue her outstanding work.

Dept. 303, 9:00 a.m. Tuesday, June 26, 2012

(1) First Accounting & Report of Conservator; (2) Petition for Allowance of Fees & Costs to Conservator of Person and Estate; (3) Attorney's Fees; (4) Reinstatement of Conservator with an Order Nunc Pro Tunc

Age: 89		MARGUERITE S. HUGHES , Niece and Former Conservator of the Person and Estate, is Petitioner. Bond is \$412,500.00 (<i>not sufficient</i>) Account period: 5-17-10 through 5-17-11 Accounting: \$586,444.12 Beginning POH: \$431,535.12 Ending POH: \$480,744.00 Conservator: \$4,500.00 (for over 150 hours providing services for her aunt including visiting on a regular basis to ensure her needs are being met, meeting with the staff dietitian, social services director and physician and nurse, and also calling other relatives who visit for their thoughts on her condition and needs. She also marshaled assets, paid all bills promptly, and managed the estate frugally. The amount requested works out to about \$30/hr for time and travel to visits, court hearings, etc. Ms. Hughes lives in Hanford. Itemization on Schedule 1) – See Notes. Attorney: \$3,500.00 (Less than hourly rate of \$250.00/hr. Itemization at Schedule 2 reflects 60 hours.) – See Notes. Declaration of Attorney Re: Failure to Attend Last Hearing and Request that Petitioner be reinstated as Conservator with an Order Nunc Pro Tunc is attached to the account. <i>(The Declaration is reviewed at Page 3A with reference to the OSC.)</i> Petitioner prays for an Order: 1. Approving and settling the account; 2. Authorizing the Conservator's and Attorney's fees and costs; and 3. Reinstating Marguerite Hughes as Conservator of the Person and Estate.	NEEDS/PROBLEMS/COMMENTS: Minute Order 5-1-12: No appearances. The Court removes Marguerite Hughes as the conservator and appoints the Public Guardian. The Court sets the matter for an Order to Show Cause on 6/26/12 regarding the failure to file an inventory and appraisal; failure to file a first account, and the proposed sanctions in the amount of \$500.00. The Court orders Marguerite Hughes and Dennis Watson to be present on 6/26/12. Continued to 6/26/12, 9:00 a.m., Dept. 303 Set on 6/26/12, 9:00 a.m., Dept. 303 for Order to Show Cause Re: Failure to File an Inventory and Appraisal; Failure to File a First Account; Proposed Sanctions in the Amount of \$500.00. 1. Need Notice of Hearing (GC- 020) and proof of service on: - Public Guardian (Current Conservator per Minute Order 5-1-12 and Letters issued 5-17-12) - Lydia Peters (Conservatee) <p style="text-align: center;">SEE PAGE 2</p>
DOB: 9-26-22			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	X		
Aff.Mail	X		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
✓ 2620(c)	X		
Order	X		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

3B Lydia Peters (CONS/PE) Case No. 10CEPR00167

Att’y Watson, Dennis L. (for Marguerite S. Hughes – Niece – Former Conservator)

Att’y Kruthers, Heather (for Public Guardian – Successor Conservator)

(1) First Accounting & Report of Conservator; (2) Petition for Allowance of Fees & Costs to Conservator of Person and Estate; (3) Attorney's Fees; (4) Reinstatement of Conservator with an Order Nunc Pro Tunc

2. Need facility statements from Palm Village pursuant to Probate Code §2620(c)(5).
3. The Petition states that Conservator requests \$4,500.00 (Paragraph 11), but the itemization reflects \$3,788.90, including \$3,200.00 in fees and \$588.90 in mileage. Need clarification.
4. The Petition states that Attorney Waston requests \$3,500.00 (Paragraph 12); however, the fee schedule totals \$6,000.00. Need clarification.
5. The Court may require further clarification with regard to the attorney fee request at Schedule 2 pursuant to Cal. Rules of Court 7.751.b. and 7.702. (For example, the requests states 20 hours was spent in preparation of documents for establishing conservatorship. The Court may require further breakdown at this time or in the future.)
6. If Petitioner is reinstated as Conservator, the current bond (\$412,500.00) is insufficient based on the current POH and income during this account period. Bond should be increased by \$289,432.48 for a total bond of \$701,932.48, which includes cost of recovery pursuant to Probate Code 2320(c)(4) and Cal. Rules of Court 7.207.
7. Need Order.

5

Daniel L. Serimian Trust 12-29-1978

Case No. 11CEPR00983

Atty

Marchini, Joseph M (of BMJ, for Daniel L. Serimian – Beneficiary – Petitioner)

Atty

Salisch, Victoria J.(of Lang, Richert & Patch, for Leslie A. Morgan)

Atty

Jones, Timothy (of Wanger Jones Helsey, PC, for Donald Serimian and David Serimian)

Petition for Order for Accounting, Surcharge of Trustee, Removal of Trustee, and Instructions to Partition, Terminate and Distribute Trust Estate [Prob. C. 15403, 15642, 16420, 16440, 17200(a), 17200(b)(7)]

		NEEDS/PROBLEMS/COMMENTS:
		<u>OFF CALENDAR</u>
		This case has been consolidated with 11CECG03770 as LEAD.
		Per Minute Order 4-18-12: All further documents filed in the case number of the lead case, followed by the case number of the other consolidated cases. Matter designated complex per Rule of Court. <u>No further filing in Probate Court.</u> June 26, 2012 Probate Petition off calendar.
		Reviewed by: skc
		Reviewed on: 6-20-12
		Updates:
		Recommendation:
		File 5A - Serimian

5

6 **Leslie A. Serimian (Morgan) Trust 12-29-1978** **Case No. 11CEPR00984**
Atty **Marchini, Joseph M (of BMJ, for Daniel L. Serimian – Beneficiary – Petitioner)**
Atty **Salisch, Victoria J.(of Lang, Richert & Patch, for Leslie A. Morgan)**
Atty **Jones, Timothy (of Wanger Jones Helsey, PC, for Donald Serimian and David Serimian)**

Petition for Order for Accounting, Surcharge of Trustee, Removal of Trustee, and
 Instructions to Partition, Terminate and Distribute Trust Estate [Prob. C. 15403,
 15642, 16420, 16440, 17200(a), 17200(b)(7)]

			NEEDS/PROBLEMS/COMMENTS: <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p>This case has been consolidated with 11CECG03770 as LEAD.</p> <p>Per Minute Order 4-18-12: All further documents filed in the case number of the lead case, followed by the case number of the other consolidated cases. Matter designated complex per Rule of Court. <u>No further filing in Probate Court.</u> June 26, 2012 Probate Petition off calendar.</p>	
				Reviewed by: skc
				Reviewed on: 6-20-12
				Updates:
			Recommendation:	
			File 6A - Serimian	

Atty
Atty
Atty

Sark-Leslie Trust Created 5-6-1990

Case No. 11CEPR00985

Marchini, Joseph M (of BMJ, for Daniel L. Serimian – Beneficiary – Petitioner)

Salisch, Victoria J.(of Lang, Richert & Patch, for Leslie A. Morgan)

Jones, Timothy (of Wanger Jones Helsey, PC, for Donald Serimian and David Serimian)

Petition for Order for Accounting, Surcharge of Trustee, Removal of Trustee, and Instructions to Partition, Terminate, and Distribute Trust Estate [Prob. C. 15403, 15642, 16420, 16440, 17200(a), 17200(b)(7)]

[illegible]

Atty
Atty
Atty

Sark-Lionel Trust Created 7-10-1995

Marchini, Joseph M (of BMJ, for Daniel L. Serimian – Beneficiary – Petitioner)

Salisch, Victoria J.(of Lang, Richert & Patch, for Leslie A. Morgan)

Jones, Timothy (of Wanger Jones Helsey, PC, for Donald Serimian and David Serimian)

Petition for Order for Accounting, Surcharge of Trustee, Removal of Trustee and Instructions to Partition, Terminate and Distribute Trust Estate [Prob. C. 15403, 15642, 16420, 16440, 17200(a), 17200(b)(7)]

Case No. 11CEPR00986

[illegible]

2003 Onella E. Speegle Revocable Trust

Krbechek, Randolph (for Jane Della Fain – Petitioner)

Case No. 11CEPR01111

Amended Petition for Order Instructing Trustee, Confirming Ownership of Trust Assets, and Approving Final Distribution from Trust [Prob. C. 850, 17200(b)(4), (5) & (6)]

DOD: 7-4-10		JANE DELLA FAIN , Successor Trustee of the 2003 ONELLA E. SPEEGLE REVOCABLE TRUST as amended 12-8-03 , is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 042512		Petitioner states the trust provides for distribution on the settlor's death of one share to each of the settlor's children who survive her. The settlor was survived by three children, Joyce Onella Lopez, Jean Elisabeth Reeves, and Jane Della Fain. There were also two deceased children.	Note: Notice of Settlement filed 4-17-12 by Attorney Krbechek states the matter has been settled in its entirety, except the terms and conditions of the settlement will not be completed until <u>6-30-12</u>. A Request for Dismissal will be filed within 45 days of the completion date.
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	The trust contains two parcels of real property and cash and marketable securities with a total balance sheet value of \$322,000.	1. Petitioner appears to request an order at this time, and also a further order after distributions have been made (#7 of the prayer).
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Petitioner wishes to sell the real property, pay attorney fees, costs and expenses of administration from the trust assets, and distribute in equal shares to the three surviving children and bring trust administration to a close; however, the three beneficiaries are unable to agree on a distribution in kind.	The Court may require further petition at a later time for such further order.
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Beneficiary Jean Elisabeth Reeves resides in the residence on N. Wilson and communications have broken down. Further, Ms. Reeves has suggested in the past that she is the owner of the property, and Petitioner also seeks a determination that the trust is the owner of the property (deeds attached).	2. Need order.
<input checked="" type="checkbox"/>	Aff.Mail w/o		
<input type="checkbox"/>	Aff.Pub.	Petitioner prays for an Order:	Reviewed by: skc
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	1. Confirming that Petitioner as trustee is the holder of title to the real property on N. Wilson, free and clear from all ownership claims or other adverse interests asserted by Jean Elisabeth Reeves;	Reviewed on: 6-19-12
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters	2. Authorizing and instructing Petitioner to engage a real estate broker to market and sell the real property on N. Wilson;	Updates:
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections	3. Authorizing and instructing Petitioner to engage a real estate broker to market and sell the real property on N. Van Ness;	Recommendation:
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report	4. Upon such sale, authorizing and instructing Petitioner to distribute the cash proceeds therefrom in three equal shares to the beneficiaries after payment of the ordinary and necessary attorney fees, costs and expenses of trust administration;	File 9 - Speegle
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order X	5. Authorizing and instructing Petitioner to hold \$6,000.00 from the cash on hand to pay projected costs and expenses in connection with trust administration;	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt	6. Authorizing and instructing Petitioner to distribute the remaining cash and securities held in the trust estate in three equal shares to the beneficiaries;	
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation	7. Upon such distributions, for an order terminating the trust; and	
<input type="checkbox"/>	FTB Notice		
		8. Such other and further relief as the Court may deem just, equitable and proper.	

Age: 19		NO TEMPORARY REQUESTED PATSY ZUNIGA , Mother, is Petitioner and requests appointment as Conservator of the Person and Estate without bond. <i>(Note: Estate denied per minute order 3-6-12)</i> Voting Rights affected A copy of a Capacity Declaration was filed 1-24-12. Petitioner states the proposed conservatee was born with Down Syndrome and is unable to provide for her own physical health, clothing or shelter. She is unaware of the costs of shelter or food and does not have capacity to seek medical attention if needed. The paternal grandparents have been caring for her since she was two months old, but are now "getting up in years" and it is increasingly difficult for them to care for her. Petitioner requests appointment as Conservator of the Estate without bond because she is a full time student and lacks the funds to post bond. Specifically, Petitioner requests the ability to administer any and all financial obligations and/or accounts in regards to the proposed conservatee's assets and debt, and for care, custody and control of all real property, if any, including the right to sell, convey, or transfer, or maintenance/collection of rents on rental property, if any. Petitioner states that although the proposed conservatee currently resides in Fresno, it would be in her best interest to reside in Stanislaus County. Petitioner is ready and able to provide adequate living arrangements. Petitioner states that when they see each other, the proposed conservatee begs to come home with Petitioner. Petitioner attached copies numerous letters in support of the petition from friends and family. Court Investigator Samantha Henson filed a report on 2-29-12 and a Supplemental Report on 5-10-12. <div style="text-align: center;">SEE PAGE 2.</div>	NEEDS/PROBLEMS/COMMENTS: <u>Court Investigator advised rights on 2-15-12.</u> <u>Voting rights affected-Need minute order.</u> <u>Continued from 3-6-12.</u> <u>Minute Order 3-6-12:</u> Examiner notes are provided to counsel. <u>The Court denies the Petition for Appointment of Conservator of the Estate and continues the Petition for Appointment of Conservator of the Person to 5/15/12.</u> The Court orders that a court investigator contact all the parties for purposes of determining suitability. <u>Minute Order 5-15-12:</u> Matter continued to 6-26-12 at the request of counsel. Parties appearing advised of the continuance. <u>Note:</u> Petitioner resides in Modesto, CA. The proposed conservatee (Krishna) resides in Fresno with her paternal grandparents, Eddie and Linda Galaviz, who were formerly her legal guardians in Case #0522953. <u>As of 6-20-12, nothing further has been filed. The following issues remain:</u> <div style="text-align: center;">SEE PAGE 2</div>	
DOB: 7-2-92				
Cont. from 030612, 051512				
<input type="checkbox"/>	Aff.Sub.Wit.			
✓	Verified			X
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
✓	Pers.Serv.			W
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
<input type="checkbox"/>	Objections			
✓	Video Receipt			
✓	CI Report			
<input type="checkbox"/>	9202			
✓	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
✓	Citation			
<input type="checkbox"/>	FTB Notice			

NEEDS/PROBLEMS/COMMENTS (Continued):

1. Attorney Ben Roberts did not sign the Petition.

2. If Petitioner is seeking medical consent powers, need original Capacity Declaration.

Note: Petitioner does not request medical consent powers at 1.g. of the Petition. Petitioner states the original Capacity Declaration was filed in Stanislaus County and provides a copy; however, this Court may require an original.

If requested, the Court may also require amended petition and service on all parties of the additional request for medical consent powers.

3. Notice of Hearing filed 2-8-12 indicates the paternal grandparents (with whom Krishna resides) were served together rather than individually per Cal. Rule of Court 7.51(a)(1). The Court may require amended service.

- Examiner notes that the paternal grandparents Linda and Eddie Galaviz have been attending the hearings, along with a "Mary Smith." Examiner is unsure who "Mary Smith" is.

4. Need proof of service of Notice of Hearing with a copy of the Petition at least 30 days prior to the hearing on the Regional Center pursuant to Probate Code §1822(e).

Note: The above items have been noted since the first hearing on 3-6-12.

		NEEDS/PROBLEMS/COMMENTS: <u>CONFIDENTIAL</u>	
Cont. from 030612, 051512			
<input type="checkbox"/>	Aff.Sub.Wit.		<input type="checkbox"/>
<input type="checkbox"/>	Verified		<input type="checkbox"/>
<input type="checkbox"/>	Inventory		<input type="checkbox"/>
<input type="checkbox"/>	PTC		<input type="checkbox"/>
<input type="checkbox"/>	Not.Cred.		<input type="checkbox"/>
<input type="checkbox"/>	Notice of Hrg		<input type="checkbox"/>
<input type="checkbox"/>	Aff.Mail		<input type="checkbox"/>
<input type="checkbox"/>	Aff.Pub.		<input type="checkbox"/>
<input type="checkbox"/>	Sp.Ntc.		<input type="checkbox"/>
<input type="checkbox"/>	Pers.Serv.		<input type="checkbox"/>
<input type="checkbox"/>	Conf. Screen		<input type="checkbox"/>
<input type="checkbox"/>	Letters		<input type="checkbox"/>
<input type="checkbox"/>	Duties/Supp		<input type="checkbox"/>
<input type="checkbox"/>	Objections		<input type="checkbox"/>
<input type="checkbox"/>	Video Receipt		<input type="checkbox"/>
<input type="checkbox"/>	CI Report		<input type="checkbox"/>
<input type="checkbox"/>	9202		<input type="checkbox"/>
<input type="checkbox"/>	Order		<input type="checkbox"/>
<input type="checkbox"/>	Aff. Posting		<input type="checkbox"/>
<input type="checkbox"/>	Status Rpt	<input type="checkbox"/>	
<input type="checkbox"/>	UCCJEA	<input type="checkbox"/>	
<input type="checkbox"/>	Citation	<input type="checkbox"/>	
<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>	
		Reviewed by: skc	
		Reviewed on: 6-20-12	
		Updates:	
		Recommendation:	
		File 10B – Galaviz	

10B